THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE Mr. JUSTICE S. ANANDA REDDY

WRIT PETITION No.25012 OF 2005

DATED: 24-11-2005

Between:

KTPS V-Stage, Paloncha,

Rep. by its Chief Engineer, O & M,

Paloncha, Khammam District.

.. Petitioner

AND

The Deputy Transport Commissioner

and Secretary, RTA, Warangal & another

.. Respondents

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THE HON'BLE Mr. JUSTICE B. SUDERSHAN REDDY

AND

THE HON'BLE Mr. JUSTICE S. ANANDA REDDY

WRIT PETITION No.25012 OF 2005

ORDER: (Per Hon'ble Mr. Justice B. Sudershan Reddy)

The order passed by the appellate authority viz., the Deputy Transport Commissioner and Secretary, R.T.A., Warangal-1st respondent, in our considered opinion, does not suffer from any infirmities requiring our interference. The appellate authority having examined the available records found that the tax due in respect of the vehicle in question has not been paid in time and it is only for that reason, the licensing officer imposed the penalty under Section 6 of the Andhra Pradesh Motor Vehicles Taxation Act, 1963 (for short 'the Act') as specified. The vehicle was found plying without registration and payment of tax.

The petitioner herein filed W.P. No.26902 of 2003, when the vehicle in question was seized, challenging the action of the authority in seizing the vehicle. The petitioner in clear and categorical terms agreed to pay the tax and accordingly paid the tax as demanded by the licensing officer. Once the petitioner concedes that the vehicle is liable to be registered and tax is also liable to be paid on the same, the liability to pay the penalty cannot be disputed. In such view of the matter, the decision arrived at by the 1st respondent not to interfere with the order of the licensing authority in levying the penalty is not vitiated for any reason, whatsoever, requiring our interference in exercise of our jurisdiction under Article 226 of the Constitution of India. The petitioner shall pay the penalty within three months from today.

The Writ Petition is accordingly dismissed. No order as to costs.

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B. SUDERSHAN REDDY, J

Date:24-11-2005

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S. ANANDA REDDY, J

PV